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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,177	01/29/2001	Timothy J. Young	10030	9720

7590 10/25/2006

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EXAMINER

LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/772,177	Applicant(s) YOUNG ET AL.	
	Examiner Evan H. Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 10 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9 and 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the reply brief filed on 11 February 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Objections

Claims 4-6 and 11-13 are objected to because of the following informalities: The limitation "a spring having an end one and an end two" should be changed to ---a spring having a first and second end--- for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-9 and 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation “desired tracking” renders the claims indefinite. It is not understood what is meant by ‘desired.’

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morse (US 3,913,813).

In regards to claim 1, Morse discloses a web tracking apparatus and a method of web tracking adjustment, for guiding a moving web 15 in a predetermined path of travel to a stationary frame 70, comprising:

biasing steering roller 11 in a gimbal direction, that is, about gimbal axis 20, by means of constraining arm 60, as explained in column 6, on lines 15-20; and

adjusting the bias through screw assembly 72 (as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b) to achieve the desire tracking.

In regards to claim 8, Morse discloses the steering roller is mounted to the stationary frame 70 in such a manner as to allow the steering roller to pivot about a caster axis 30 (col. 6 lines 15-20).

In regards to claim 17, Morse discloses a web tracking apparatus and a method of web tracking adjustment, for guiding a moving web 15 in a predetermined path of travel to a stationary frame 70, comprising

biasing a steering roller in a gimbal direction (about gimbal axis 20); and

adjusting the bias to achieve the desire tracking (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b). The recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus satisfying the claimed structural limitations. *Ex parte masham*, 2 USPQ 2d 1647 (1987).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 9, 11-14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morse in view of Moe et al. (US 5,659,851).

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In regards to claims 2 and 18, Moe et al. teaches a steering roller 14 that is adjustable about a gimbal axis 56 where the roller 14 has lateral constraints 61, 62 allowing the web to ride against the later constraint without damaging the web (col. 6 lines 49-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering roller of Morse to include lateral constraints 61, 62 as suggested by Moe, to guide the moving web.

In regards to claim 4, Morse as modified by Moe teaches the steering roller 11 (Morse) is biased by a spring 60 (Morse) having a first 61 and second 62 ends mounted between the frame 70 and one end of the steering roller 11 such that the first end 61 of the spring is mounted to the frame and the second end 62 of the spring is mounted to the steering roller 11, such that the spring applies a rotational force on the steering roller about a gimbal axis 20 (Fig. 2a and 2b); and

adjusting the bias to achieve desire tracking (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b).

In regards to claims 5 and 6, Morse as modified by Moe teaches the adjustment comprises applying a pre-load to the spring 60 where the spring 60 is mounted to the frame by attaching a mounting nut 70, 72 to the first end 61 and threading a screw through the frame, such that the mounting nut is threaded onto the screw to apply the desired pre-load on the spring (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b).

In regards to claims 9 and 14, Morse as modified by Moe teaches a web tracking apparatus and a method of web tracking adjustment, for guiding a moving web 15 in a predetermined path of travel to a stationary frame 70 (Morse), comprising:

a gimbaled steering roller 11 (Morse) having a lateral constraint 61,62 (as taught by Moe);

a means for biasing the steering roller 11 in a gimbal direction (about gimbal axis 20, Morse); and

a means for adjusting the bias to achieve desired tracking (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b), and where the steering roller 11 is mounted on a roller shaft 51.

In regards to claim 11, Morse as modified by Moe teaches a gimbaled steering roller 11 (Morse) having a lateral constraint 61,62 (as taught by Moe);

a means for biasing the steering roller in the gimbal direction, where the means for biasing the roller comprise a spring 60 (Morse) having a first 61 and second 62 ends mounted between the frame 70 and one end of the steering roller 11 such that the first end 61 of the spring is mounted to the frame and the second end 62 of the spring is mounted to the steering roller 11, such that the spring applies a rotational force on the steering roller about a gimbal axis 20 (Fig. 2a and 2b); and

a means for adjusting the bias to achieve the desired tracking (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b).

In regards to claims 12 and 13, Morse as modified by Moe teaches a means for adjustment comprises applying a pre-load to the spring 60 where the spring 60 is mounted to the

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frame by attaching a mounting nut 70, 72 to the first end 61 and threading a screw through the frame, such that the mounting nut is threaded onto the screw to apply the desired pre-load on the spring (through screw assembly 72 as explained in column 6, on lines 20-36 and seen in Figures 2a and 2b).

In regards to claim 16, Morse as modified by Moe teaches a stop 76 (Fig. 2b Morse) for preventing the steering roller from rotating too far on the gimbal direction (about gimbal axis 20).

Allowable Subject Matter

Claims 7, 10 and 20 are allowed.

Claims 3, 15 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken as a whole, fails to disclose or render obvious a method of web tracking adjustment or a web tracking apparatus comprising all the limitations claimed, including an edge guide that is axially slidable as recited in claims 3, 15, and 19, and a shaft that is mounted to the housing by spring flexures as recited in claims 7, 10, and 20.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-6, 8, 9, 11-14 and 16-18 have been considered but are moot in view of the new ground(s) of rejection. The term "biasing" is defined on page 4, lines 6-9 and 23-24 of the specification. The examiner is interpreting this definition to mean a means to cause the steering roller to pivot about the gimbal axis such that the web on

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the down stream side to the steering roller is not perpendicular to the longitudinal axis of the steering roller. The applicant further describes the means disclosed "is just one means if biasing the steering roller in the gimbal direction, any suitable means is within the purview of this invention." The structure of Morse, biasing steering roller 11 in a gimbal direction, that is, about gimbal axis 20, by means of constraining arm 60, as explained in column 6, on lines 15-20, is equivalent to the corresponding structure as described in the applicant's specification. In re Donaldson Co., Inc., 16 F.3d 1189, 1193, 29 USPQ2d 1845 (Fed. Cir. 1994).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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